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6 Attorneys for Anthony McMichael

7  
8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 \* \* \*

11  
12 UNITED STATES OF AMERICA,  
13 Plaintiff,  
14 vs.  
15 ANTHONY McMICHAEL,  
16 Defendant.

2:13-cr-000325-LDG-VCF

**UNOPPOSED MOTION TO WITHDRAW**  
**THE MOTION TO SUPPRESS (CR # 22)**  
**WITHOUT PREJUDICE**

17  
18 COMES NOW the defendant, Anthony McMichael, by and through his counsel of record,  
19 Rachel Korenblat, Assistant Federal Public Defender, and files this Unopposed Motion to Withdraw  
20 the Motion to Suppress Physical Evidence and Statements Due to an Impermissible Detention and  
21 Frisk and Statements for Failure to Give *Miranda* Warning without prejudice. This pleading is based  
22 upon the attached Memorandum of Points and Authorities and all of the papers and pleadings on file  
23 herein.

24 DATED this 12th Day of May, 2014.

25 RENE L. VALLADARES  
Federal Public Defender

26  
27 /s/ Rachel Korenblat  
RACHEL KORENBLAT  
28 Assistant Federal Public Defender

1 **POINTS AND AUTHORITIES**

2 On March 7, 2014, counsel for Mr. McMichael filed a Motion to Suppress Physical Evidence  
3 and Statements Due to an Impermissible Detention and Frisk and Statements for Failure to Give  
4 *Miranda* Warning. (CR # 22.) The Court granted several stipulations to extend the government's  
5 time to respond to the motion to allow the parties to engage in plea negotiations to ultimately resolve  
6 the case. (CR ## 30, 34, 36.) Based on the last stipulation, on April 29, 2014, the Court ordered  
7 that the government's response is due by May 13, 2014. (CR # 36.)

8 On May 9, 2014, Mr. McMichael signed a plea agreement offered to him by the government.  
9 The government also executed the plea agreement and forwarded to the Court to set a Change of Plea  
10 Hearing date. No date has been set yet. To save the government from filing a response to a motion  
11 that will be moot if Mr. McMichael pleads guilty and the Court accepts that plea, Mr. McMichael  
12 requests that his Motion to Suppress be withdrawn, without prejudice. If Mr. McMichael does not  
13 ultimately enter a guilty plea or the Court does not accept his guilty plea, then the parties will file  
14 a stipulation to reset the motion dates to litigate the suppression motion.

15 DATED this 12th day of May, 2014.

16 Respectfully submitted,  
17 RENE L. VALLADARES  
Federal Public Defender

18 /s/ Rachel Korenblat  
19 RACHEL KORENBLAT  
Assistant Federal Public Defender

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY McMICHAEL,  
Defendant.

2:13-cr-000325-LDG-VCF

**ORDER TO TO WITHDRAW THE  
MOTION TO SUPPRESS (CR # 22)  
WITHOUT PREJUDICE**

Based on the Unopposed Motion to Withdraw the Motion to Suppress Physical Evidence and Statements Due to an Impermissible Detention and Frisk and Statements for Failure to Give *Miranda* Warning (the "Motion") and good cause appearing therefore,

IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Motion is hereby GRANTED, and the Motion to Suppress (CR # 22) is withdrawn without prejudice.

DATED this 12<sup>th</sup> day of May, 2014.



UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF ELECTRONIC SERVICE**

The undersigned hereby certifies that I am an employee of the Law Offices of the Federal Public Defender for the District of Nevada and am a person of such age and discretion as to be competent to serve papers.

That on May 12, 2014, I served an electronic copy of the above and foregoing **UNOPPOSED MOTION TO WITHDRAW THE MOTION TO SUPPRESS (CR 21) WITHOUT PREJUDICE** by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN  
United States Attorney  
PHILLIP N. SMITH, JR.  
Assistant United States Attorney  
333 Las Vegas Blvd. So., 5th Floor  
Las Vegas, Nevada 89101

/s/ Karen Meyer  
Employee of the Federal Public Defender